

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

v.

ARI ELIAS BAUM,

Defendant.

---

**14-CR-164-WMS-JJM**

**STATEMENT OF DEFENDANT WITH  
RESPECT TO SENTENCING FACTORS**

Brian P. Comerford, affirms under penalty of perjury that:

I am an Assistant Federal Public Defender in the Western District of New York and represent the Defendant, Ari Elias Baum, in the above-entitled action brought by the United States of America. I make this affirmation in accordance with the requirements of Section 6A1.2 of the Sentencing Guidelines, "Statement of Defendant with Respect to Sentencing Factors," as promulgated by the United States Sentencing Commission.

In accordance with those rules, it is hereby stated on behalf of the Defendant, that I have reviewed the Presentence Report and have discussed the same with Ari Elias Baum. There are no statements, conclusions or other information contained in that report which he disputes. Defendant accepts the Presentence Report in its full prepared form.

The Defendant requests that the Court advise him about all information which it will consider in imposing sentence which negatively impacts on the Defendant and about which the Defendant has no prior notice from the presentence report, including, but not limited to, *ex parte*

communications with United States Probation Officers and victims. *United States v. Mueller*, 168 F.3d 186 (5th Cir. 1999); *United States v. Corace*, 146 F.3d 51 (2d Cir. 1998); *United States v. Rivera*, 96 F.3d 41 (2d Cir. 1996).

**DATED:** Buffalo, New York, November 14, 2017

Respectfully submitted,

**/s/ Brian P. Comerford**

Brian P. Comerford  
Assistant Federal Public Defender  
Federal Public Defender's Office  
300 Pearl Street, Suite 200  
Buffalo, New York 14202  
(716) 551-3341, (716) 551-3346 (Fax)  
brian\_comerford@fd.org  
Counsel for Defendant Ari Elias Baum

**TO:** Jonathan Paul Cantil  
Assistant United States Attorney

Alexandra G. Piskorz  
United States Probation Officer